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<p>12:17:43 1 times within the time frame from -- of when I</p> <p>12:17:45 2 was employed from 2004 to 2010, no.</p> <p>12:17:47 3 Q Are you also not sure about how much</p> <p>12:17:49 4 money that caused you --</p> <p>12:17:50 5 A Correct.</p> <p>12:17:53 6 Q Let me rephrase that.</p> <p>12:17:55 7 So you're also not sure about how much</p> <p>12:17:59 8 money that cost you; correct?</p> <p>12:18:02 9 A Yes.</p> <p>12:18:07 10 Q Okay. So we covered five different</p> <p>12:18:09 11 topics so far.</p> <p>12:18:14 12 And those topics have been that you</p> <p>12:18:21 13 don't think you were paid minimum wage. You are</p> <p>12:18:26 14 complaining about paying a 10 percent tip out to</p> <p>12:18:33 15 managers. You're complaining about the 5</p> <p>12:18:39 16 percent charge against your credit card tips.</p> <p>12:18:43 17 You're complaining about tabs that were</p> <p>12:18:51 18 disputed. And we've talked about the issue of</p> <p>12:18:53 19 walked tabs.</p> <p>12:18:58 20 Other than those five issues, is there</p> <p>12:19:02 21 anything else about the employment practices at</p> <p>12:19:05 22 Treasures that you're complaining about in your</p> <p>12:19:10 23 lawsuit?</p> <p>12:19:12 24 A At this time, that would be -- those</p> <p>12:19:13 25 would be it.</p>	<p>12:21:11 1 Treasures, you could pick up the Houston Press.</p> <p>12:21:13 2 In the back of the Houston Press, which was a</p> <p>12:21:17 3 weekly newspaper magazine with sorts of</p> <p>12:21:22 4 advertisement of all things going on in Houston,</p> <p>12:21:26 5 towards the back where the gentlemen's clubs and</p> <p>12:21:28 6 the -- they had one -- all these clubs that are</p> <p>12:21:31 7 mentioned in the lawsuit had one full page of</p> <p>12:21:33 8 ads taken out.</p> <p>12:21:36 9 Q Okay. Anything else?</p> <p>12:21:36 10 A Nope.</p> <p>12:21:38 11 Q All right. Now, another allegation</p> <p>12:21:42 12 that you've made has to do with something called</p> <p>12:21:45 13 single integrated business enterprise. It's</p> <p>12:21:47 14 basically something that's similar to joint</p> <p>12:21:48 15 employers.</p> <p>12:21:50 16 And in your interrogatory answers, you</p> <p>12:21:53 17 give basically the same answer to the question</p> <p>12:21:55 18 about facts that support joint employers, facts</p> <p>12:22:00 19 that support single business enterprise. So</p> <p>12:22:02 20 I'll agree with you that in your mind you think</p> <p>12:22:05 21 that the facts we just went over regarding joint</p> <p>12:22:07 22 employers also support your allegation for</p> <p>12:22:10 23 single integrated business enterprise.</p> <p>12:22:12 24 Are there any additional facts that</p> <p>12:22:16 25 you're aware of in support of that single</p>
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<p>12:19:19 1 Q Okay. All right. Now, there may be</p> <p>12:19:22 2 some pauses here for a little while because I</p> <p>12:19:24 3 need to flip through some paperwork. I don't</p> <p>12:19:26 4 want you to think that I disappeared on you.</p> <p>12:19:27 5 Okay?</p> <p>12:19:28 6 A Okay.</p> <p>12:19:59 7 Q There's an allegation in your petition</p> <p>12:20:02 8 that the six clubs that are named as defendants</p> <p>12:20:07 9 are joint employers.</p> <p>12:20:08 10 What facts do you know of personally</p> <p>12:20:13 11 in support of that contention?</p> <p>12:20:16 12 A When I was first employed with the</p> <p>12:20:22 13 club, that was what I was told. The Davaris</p> <p>12:20:27 14 owned Treasures and various other clubs, all of</p> <p>12:20:30 15 the clubs which are mentioned in this lawsuit.</p> <p>12:20:33 16 I also -- the time frame out of this</p> <p>12:20:36 17 lawsuit when I worked at Trophy was also aware</p> <p>12:20:43 18 that -- and was told the Davaris owned Trophy.</p> <p>12:20:46 19 During the time I was employed at Treasures, at</p> <p>12:20:52 20 any time you could go onto the Internet to a --</p> <p>12:20:56 21 one of their Web sites, and it was pretty much</p> <p>12:20:59 22 evident they were all linked together. You can</p> <p>12:21:05 23 go on it now. It's the same format for pretty</p> <p>12:21:07 24 much all of them.</p> <p>12:21:08 25 At my time when I was employed at</p>	<p>12:22:19 1 integrated business enterprise claim?</p> <p>12:22:25 2 A Yes. I also want to point out if --</p> <p>12:22:28 3 for an address change on a paycheck, which I</p> <p>12:22:31 4 attempted several times because in the times I</p> <p>12:22:38 5 was employed there, I moved four times. Wanting</p> <p>12:22:40 6 to change the address, I would have to contact</p> <p>12:22:43 7 someone at Gold Cup who was in charge of, I</p> <p>12:22:46 8 guess, paperwork, bookkeeping, things of that</p> <p>12:22:46 9 nature.</p> <p>12:22:49 10 Q Are you sure it was Gold Cup and not</p> <p>12:22:50 11 Centerfolds?</p> <p>12:22:54 12 A I was told Gold Cup.</p> <p>12:22:56 13 Q I mean, did you actually go to Gold</p> <p>12:22:56 14 Cup?</p> <p>12:23:02 15 A I never went. Never went. I can say</p> <p>12:23:05 16 from -- just from experiences from other people</p> <p>12:23:07 17 when they went, you could never find them. So</p> <p>12:23:10 18 I -- it would have been a waste of my time to go</p> <p>12:23:12 19 and sit and wait.</p> <p>12:23:16 20 Q And I'm just -- with regard to your</p> <p>12:23:20 21 experience specifically, you were talking about</p> <p>12:23:23 22 submitting a change of address form.</p> <p>12:23:24 23 What would you finally do to get it</p> <p>12:23:26 24 submitted?</p> <p>12:23:27 25 A Never did.</p>

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<p>12:23:30 1 Q Okay.</p> <p>12:23:35 2 A There were also times when these</p> <p>12:23:39 3 females -- I can't recall names who they called</p> <p>12:23:42 4 their bookkeepers, which I know I was told it</p> <p>12:23:45 5 was constantly a different person. They</p> <p>12:23:49 6 couldn't keep the same person. Sometimes would</p> <p>12:23:52 7 be at Treasures from a certain time frame during</p> <p>12:23:57 8 the day. However, I lived 45 minutes away. So</p> <p>12:24:00 9 that was out of my -- it was too much out of my</p> <p>12:24:04 10 way. By the time I came on for my evening</p> <p>12:24:05 11 shift, they were gone.</p> <p>12:24:55 12 Q Okay. Why did you stop working for</p> <p>12:24:55 13 Treasures?</p> <p>12:25:13 14 A I moved out of state.</p> <p>12:25:23 15 Q Are you claiming that Treasures</p> <p>12:25:27 16 required you to pay for drinks that you spilled?</p> <p>12:25:27 17 A Correct.</p> <p>12:25:32 18 Q Tell me about that, please.</p> <p>12:25:36 19 A My -- prior -- at the beginning of my</p> <p>12:25:41 20 employment, it wasn't fully required. There</p> <p>12:25:43 21 were these things which the managers handed out</p> <p>12:25:47 22 which were called spill tickets. If you</p> <p>12:25:50 23 purchased a drink at the bar from the bank that</p> <p>12:25:51 24 you took out at the beginning of your shift or</p> <p>12:25:55 25 during your shift, and say I could not find the</p>	<p>12:26:58 1 Q Were you ever required to pay for</p> <p>12:27:01 2 glasses that you broke?</p> <p>12:27:06 3 A Glasses, no; beverages, yes. There</p> <p>12:27:08 4 were beverages in the glass, so we paid --</p> <p>12:27:10 5 Q There's two different things. There's</p> <p>12:27:12 6 spillage and breakage. We've just talked about</p> <p>12:27:15 7 spillage. Now I'm just asking you if they would</p> <p>12:27:17 8 ever require you to pay for, like, if you drop a</p> <p>12:27:19 9 cocktail glass and the stem broke, did you have</p> <p>12:27:21 10 to pay for the glass?</p> <p>12:27:23 11 A That was never a specific point. You</p> <p>12:27:25 12 paid for the alcohol in the glass.</p> <p>12:27:26 13 Q Okay.</p> <p>12:27:30 14 A Is how I was -- or how --</p> <p>12:27:32 15 Q Now, how often would it happen that</p> <p>12:27:34 16 you would be required to pay for a spilled</p> <p>12:27:37 17 drink?</p> <p>12:27:39 18 A Anytime you dropped a drink, someone</p> <p>12:27:42 19 bumped into, you dropped your tray full of</p> <p>12:27:42 20 drinks, you dropped --</p> <p>12:27:44 21 Q What I'm trying to ask, though, is how</p> <p>12:27:48 22 many times would you actually have to pay?</p> <p>12:27:51 23 A All the time you spilled a drink or</p> <p>12:27:54 24 dropped a tray of drinks is when we were</p> <p>12:27:58 25 required to repurchase that beverage to give to</p>
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<p>12:25:57 1 customer, if he decided, you know, all of a</p> <p>12:26:01 2 sudden he had to leave or forgot or moved, I</p> <p>12:26:03 3 went looking for him, I could go get a spill</p> <p>12:26:05 4 ticket to pay for the --</p> <p>12:26:06 5 Q Ms. Moreno?</p> <p>12:26:06 6 A Uh-huh.</p> <p>12:26:09 7 Q What I'm trying to ask you about right</p> <p>12:26:11 8 now aren't the missing customer -- isn't about</p> <p>12:26:14 9 the missing customers. It's about if you</p> <p>12:26:16 10 accidentally spilled a drink.</p> <p>12:26:18 11 A Correct. That's what I'm getting to</p> <p>12:26:19 12 as far as any -- if -- even if you spilled a</p> <p>12:26:22 13 drink, we, at the beginning, could get a spill</p> <p>12:26:26 14 ticket, only a certain amount a night. The</p> <p>12:26:30 15 volume in that club was very high. Sometimes</p> <p>12:26:32 16 you could only get, say, two to three. If you</p> <p>12:26:34 17 spilled a whole tray of drinks when you had</p> <p>12:26:38 18 large parties, the owners felt that that was</p> <p>12:26:41 19 being abused, so they stopped that.</p> <p>12:26:43 20 So any drink that was spilled or</p> <p>12:26:46 21 accidentally you were bumped into, you were</p> <p>12:26:50 22 required to purchase another drink with -- I was</p> <p>12:26:53 23 required to purchase another drink to replace</p> <p>12:26:55 24 that drink from my bank with my money that I</p> <p>12:26:56 25 took out from the bar.</p>	<p>12:27:59 1 the customer with the bank -- with our money</p> <p>12:28:01 2 that we got from the bank from the bar.</p> <p>12:28:04 3 Q I understand that.</p> <p>12:28:05 4 So is it true that that would only</p> <p>12:28:07 5 happen a couple times a year?</p> <p>12:28:09 6 A A couple times a year? It could</p> <p>12:28:12 7 happen on a nightly basis.</p> <p>12:28:16 8 Q Well, how often did it actually happen</p> <p>12:28:17 9 to you?</p> <p>12:28:18 10 A I can't be specific on a number.</p> <p>12:28:21 11 Q So you're not sure?</p> <p>12:28:23 12 A On a specific number, no. I was</p> <p>12:28:27 13 employed there from June of 2004 to March of</p> <p>12:28:29 14 2010. So on a specific number of spilled</p> <p>12:28:32 15 beverages, no, sir, I can't give an accurate</p> <p>12:28:32 16 count.</p> <p>12:28:35 17 Q On average how much money in tips</p> <p>12:28:37 18 would you say that you would make per shift?</p> <p>12:28:47 19 A On average -- on average -- I could</p> <p>12:28:49 20 give you a weekly average.</p> <p>12:28:51 21 Q Okay.</p> <p>12:28:52 22 A Which is anywhere from -- I mean,</p> <p>12:28:55 23 average, it's a wide average. But it could be</p> <p>12:28:58 24 anywhere from -- they ranged from almost a</p> <p>12:29:02 25 thousand dollars to 2,500, sometimes 3,000.</p>

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<p>12:29:04 1 That was average, depending. So 1 to 3 thousand 12:29:05 2 a week. 12:29:11 3 Q And how many hours would you be 12:29:14 4 working per week? 12:29:16 5 A That varies. We really didn't -- I 12:29:18 6 really didn't have a set schedule. 12:29:20 7 Q Do you know what the -- if you could 12:29:23 8 give me a range like you just did for the tips, 12:29:25 9 that would be good. 12:29:28 10 A A range. 12:29:32 11 Q Like maybe six hours to 48 hours or 12:29:35 12 something like that? 12:29:47 13 A One second. 40 to 50 hours, if not 12:29:53 14 more at times. 12:30:09 15 Q Is there anything about your 12:30:16 16 employment at Treasures that you're claiming was 12:30:19 17 unlawful in connection with this lawsuit that we 12:30:22 18 haven't already talked about? 12:30:23 19 A I'm sorry. Repeat that question. 12:30:26 20 Q Is there anything else that you claim 12:30:28 21 Treasures did to you that was unlawful that we 12:30:33 22 haven't already talked about. 12:30:36 23 I'm thinking we covered everything you 12:30:37 24 mentioned in your interrogatory. 12:30:39 25 A I think so, yes. I was trying to</p>	<p>12:32:30 1 Q Same question but for Splendor? 12:32:31 2 A No. 12:32:34 3 Q Same question but this time for Cover 12:32:34 4 Girls? 12:32:36 5 A No. 12:32:59 6 Q In this declaration it says, We often 12:33:02 7 had to wait to get paid our tips on larger 12:33:07 8 credit card charges. 12:33:08 9 Did that ever happen to you 12:33:09 10 personally? 12:33:10 11 A Yes. 12:33:14 12 Q How often? 12:33:18 13 A Again, I can't be specific on how 12:33:24 14 often. Going back, it would just depend on the 12:33:26 15 table, the amount of customers on that one tab, 12:33:31 16 the manager on duty, the entertainers at that 12:33:34 17 table, the amount of the tab. 12:33:38 18 There were no specific set rules or 12:33:43 19 anything as far as when a large tab was held. 12:33:47 20 It just basically depended -- each tab was its 12:33:51 21 own, and it was just -- each one, you know, 12:33:53 22 according to whatever the manager, whoever you 12:33:56 23 went to sign it with, felt at that time. He 12:34:00 24 made the decision or the call if he felt it 12:34:01 25 should be held or not.</p>
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<p>12:30:41 1 think in my head. I think so, yes. 12:30:44 2 Q Okay. We're almost through. Okay? 12:30:45 3 A Okay. 12:30:58 4 Q Or would you rather me start all over 12:31:00 5 again at the beginning? 12:31:04 6 A It's all up to you. 12:31:10 7 Q That was supposed to be funny. 12:31:16 8 A I said that with a smile on my face. 12:31:18 9 Q Okay. I'm taking a minute here just 12:31:20 10 to look at your declaration that you filed or 12:31:25 11 you signed that was filed with a motion for 12:31:41 12 notice to class members. 12:31:59 13 For the time period October 2006 to 12:32:03 14 March of 2009, do you have any personal 12:32:07 15 knowledge -- and what I mean by that is 12:32:08 16 knowledge other than what other people told 12:32:13 17 you -- of the employment practices at 12:32:15 18 Centerfolds. 12:32:19 19 A No knowledge to the practices at 12:32:20 20 Centerfolds, no. 12:32:23 21 Q Okay. Now, same question but for Gold 12:32:24 22 Cup? 12:32:25 23 A No. 12:32:27 24 Q Same question but for Trophy Club? 12:32:28 25 A No.</p>	<p>12:34:04 1 Q Would you eventually get paid the tip 12:34:07 2 if it wasn't disputed? 12:34:09 3 A Yes. 12:34:15 4 Q How long would it usually take? 12:34:17 5 A It could take anywhere from a couple 12:34:20 6 weeks to a month if not longer at times. 12:34:24 7 Q Okay. Other than Trophy Club and 12:34:26 8 Treasures, have you worked at any other topless 12:34:28 9 clubs or gentlemen's clubs? 12:34:30 10 A Yes. 12:34:31 11 Q When was -- where was the first club 12:34:34 12 you worked for? 12:34:36 13 A The Palace Gentlemen's Club. 12:34:37 14 Q Where's that? 12:34:39 15 A Corpus Christi, Texas. 12:34:43 16 Q And the next one? 12:34:47 17 A The Palace in San Antonio, Texas. 12:34:52 18 Q Okay. And the next one? 12:34:55 19 A St. James in Houston, Texas. 12:34:58 20 Q Okay. The next one? 12:35:00 21 A Trophy Club in Houston, Texas. 12:35:02 22 Q Okay. And then just go ahead and tell 12:35:04 23 me about the rest of them. 12:35:04 24 A And Treasures. 12:35:05 25 Q That's it?</p>

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<p>12:35:05 1 A Uh-huh.</p> <p>12:35:27 2 Q Did you ever have to pay any cash to</p> <p>12:35:30 3 Morris?</p> <p>12:35:34 4 A I never did. Are you -- can you be</p> <p>12:35:35 5 more specific? What type of money are you</p> <p>12:35:37 6 referring to pay Morris?</p> <p>12:35:42 7 Q Did you ever have to pay Morris cash</p> <p>12:35:48 8 to -- as part of a disputed credit card tab?</p> <p>12:35:50 9 A I specifically always wanted to give</p> <p>12:35:54 10 it to David directly, or I would put it in the</p> <p>12:35:55 11 white envelope cash.</p> <p>12:35:57 12 And we were told if he was not in --</p> <p>12:36:00 13 sometimes he did not come in until later -- we</p> <p>12:36:01 14 would slide it under the -- I would slide it</p> <p>12:36:06 15 under the office door with my name and the</p> <p>12:36:08 16 amount of money in the envelope.</p> <p>12:36:10 17 I would never leave it with Morris, I</p> <p>12:36:13 18 would never leave it with the front door, nor</p> <p>12:36:19 19 would I give it to a manager.</p> <p>12:36:35 20 Q It says here something about -- in</p> <p>12:36:37 21 your declaration it says here something about</p> <p>12:36:41 22 minimum \$300 installments. Do you know what</p> <p>12:36:42 23 that's all about?</p> <p>12:36:45 24 A Yes. Anytime there were disputed</p> <p>12:36:52 25 tabs, I was made aware that the minimum amount</p>	<p>12:38:20 1 A The phone call went, you need to pay</p> <p>12:38:22 2 this 169 before you come back, but take some</p> <p>12:38:26 3 time off and drop some weight. We're looking at</p> <p>12:38:29 4 you on camera, and you look like you're</p> <p>12:38:30 5 overweight.</p> <p>12:38:34 6 Q So how long were you off work when</p> <p>12:38:37 7 that happened?</p> <p>12:38:39 8 A Not specifically sure. It could have</p> <p>12:38:51 9 been anywhere from two weeks to a month.</p> <p>12:39:00 10 Q Did you actually lose weight during</p> <p>12:39:05 11 that period?</p> <p>12:39:06 12 A Not specifically sure. I may have</p> <p>12:39:09 13 dropped a couple of pounds. I'm by no means</p> <p>12:39:14 14 overweight. I'm five-one. One pound or two</p> <p>12:39:18 15 makes a huge difference.</p> <p>12:39:32 16 Q I'm looking at some documents that</p> <p>12:39:35 17 your attorney produced that were all clipped to</p> <p>12:39:36 18 a piece of paper with your name on it.</p> <p>12:39:37 19 A Okay.</p> <p>12:39:39 20 Q You probably don't have any of these</p> <p>12:39:40 21 documents there, do you?</p> <p>12:39:41 22 A I don't have any.</p> <p>12:39:44 23 Q Okay. Well, I'm just going to</p> <p>12:39:48 24 describe a couple of them to you and ask you a</p> <p>12:39:48 25 few questions. Okay?</p>
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<p>12:36:53 1 required -- being that the amount of disputed</p> <p>12:36:58 2 tabs more often than not were larger amounts, a</p> <p>12:37:01 3 minimum payment required to David was 300. He</p> <p>12:37:04 4 would accept nothing less than 300 minimum per</p> <p>12:37:11 5 payment per tab.</p> <p>12:37:16 6 Q It says here about you getting</p> <p>12:37:19 7 suspended for not paying \$169.</p> <p>12:37:20 8 A Correct. One of my disputed tabs</p> <p>12:37:23 9 which I wrote down from a spreadsheet that I had</p> <p>12:37:27 10 on a table tent of one spreadsheet that was</p> <p>12:37:30 11 going around at once that I had three disputed</p> <p>12:37:34 12 tabs on. It was a payment of 169 that I was</p> <p>12:37:39 13 required to pay back in tip. Being that the</p> <p>12:37:44 14 minimum he required was 300, I assumed I could</p> <p>12:37:48 15 not pay and get away because he required minimum</p> <p>12:37:51 16 300. It was 169 I owed.</p> <p>12:37:54 17 As is evident to that, not paying it</p> <p>12:37:58 18 in a so-called timely manner to David, timely</p> <p>12:38:00 19 manner never being specified, I was suspended</p> <p>12:38:04 20 but told I was being suspended because of my</p> <p>12:38:08 21 weight. But it was in the same phone call of I</p> <p>12:38:12 22 needed to pay back my 169 before I came back in</p> <p>12:38:14 23 addition to losing weight.</p> <p>12:38:16 24 Q What did they tell you about losing</p> <p>12:38:18 25 weight?</p>	<p>12:39:49 1 A Okay.</p> <p>12:39:51 2 Q They're not going to be very specific</p> <p>12:39:51 3 questions.</p> <p>12:39:51 4 A Okay.</p> <p>12:39:54 5 Q One of the things I'm looking at is</p> <p>12:39:58 6 dated February 7 of 2008. Up at the top it says</p> <p>12:40:02 7 money owed from the previous night. Got your</p> <p>12:40:04 8 name as a waitress, it's got Abel as the</p> <p>12:40:06 9 bartender, Joe and Ted as the managers, and it's</p> <p>12:40:10 10 got a tab number and an amount of \$610.</p> <p>12:40:12 11 So I'm thinking this is one of those</p> <p>12:40:14 12 vouchers we were talking about?</p> <p>12:40:17 13 A Correct. Is that a copy or an</p> <p>12:40:19 14 original?</p> <p>12:40:21 15 Q All I have are photocopies.</p> <p>12:40:24 16 A Okay. Yes, it sounds like the form</p> <p>12:40:28 17 that was required to fill out when we -- when I</p> <p>12:40:30 18 was told the club ran out of money to pay my</p> <p>12:40:31 19 tabs at the end of the night.</p> <p>12:40:34 20 Q Okay. I see another one here that's</p> <p>12:40:38 21 the exact same thing, but it's May 7, '08. And</p> <p>12:40:42 22 it's for about \$1,815?</p> <p>12:40:44 23 A Correct. Yes, sometimes there were</p> <p>12:40:46 24 multiple tabs on there depending -- I could have</p> <p>12:40:50 25 one tab to as many -- as many tabs as I was</p>

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<p>12:40:54 1 capable of handling in that one night -- in any</p> <p>12:40:58 2 given night. And yes, I did. I somehow had</p> <p>12:41:00 3 some of those in my possession. So that is</p> <p>12:41:02 4 probably what you're looking at.</p> <p>12:41:03 5 Q There are a few more of them, And I'm</p> <p>12:41:06 6 not going to go through them one by one. But</p> <p>12:41:10 7 these were produced to me by your lawyer.</p> <p>12:41:12 8 Assuming that your lawyer gave me all</p> <p>12:41:17 9 of the slips like this that you guys have, I</p> <p>12:41:19 10 guess this -- is this the extent of the evidence</p> <p>12:41:21 11 you have regarding the tabs that you weren't</p> <p>12:41:23 12 paid at the end of a shift?</p> <p>12:41:25 13 A Correct. Those are a few that I have.</p> <p>12:41:28 14 Somehow I managed to remain and keep those in my</p> <p>12:41:32 15 possession. Because basically I was required to</p> <p>12:41:35 16 hand that in when I got paid.</p> <p>12:41:39 17 Q Okay. So -- so you're saying that</p> <p>12:41:41 18 there were more instances than what we have</p> <p>12:41:44 19 here, but these are the only ones that you have?</p> <p>12:41:45 20 A Correct. Absolutely correct.</p> <p>12:41:51 21 Q Okay. I see some payroll -- some pay</p> <p>12:41:53 22 stubs here, and those are kind of -- they</p> <p>12:41:54 23 explain themselves; right?</p> <p>12:41:55 24 A Correct.</p> <p>12:41:58 25 Q Pay stubs; right?</p>	<p>12:43:41 1 dancer -- are you talking about the -- the</p> <p>12:43:43 2 dancers form of payment, how she was paid on a</p> <p>12:43:44 3 credit card tab?</p> <p>12:43:46 4 Q Well, I'm thinking that it's probably</p> <p>12:43:50 5 your position factually that if dancers were</p> <p>12:43:51 6 paid cash for a dance, that they would usually</p> <p>12:43:56 7 charge \$20, but if they were going to pay for a</p> <p>12:43:59 8 dance on a credit card, it was in increments of</p> <p>12:44:06 9 \$25 and the house retained \$5 of every dance or</p> <p>12:44:07 10 20 percent; is that right?</p> <p>12:44:09 11 A Yes, \$5 of every dance.</p> <p>12:44:14 12 Q All right. So you have made that</p> <p>12:44:17 13 allegation in your petition, and I understand</p> <p>12:44:20 14 that that's your position in this case.</p> <p>12:44:23 15 So other than that, is there anything</p> <p>12:44:25 16 else in particular about these dance</p> <p>12:44:31 17 authorizations or credit card charge sheets that</p> <p>12:44:35 18 are particularly relevant to your claims?</p> <p>12:44:36 19 A As --</p> <p>12:44:38 20 Q Anything that stands out in your mind?</p> <p>12:44:40 21 I'm not trying to trap you or anything</p> <p>12:44:44 22 or say, well, she didn't say this or that. I</p> <p>12:44:46 23 just -- you produced 56 tab sheets to me. I'm</p> <p>12:44:49 24 just wondering if, other than what they say on</p> <p>12:44:50 25 the face of them, is there anything else I</p>
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<p>12:41:59 1 A Yes.</p> <p>12:42:19 2 Q I also have some what look to be tab</p> <p>12:42:24 3 sheets that have signatures on them and indicate</p> <p>12:42:27 4 numbers of dances and the amount of money for</p> <p>12:42:33 5 beverages, those full size 8 and a half by 11</p> <p>12:42:36 6 tip sheets, and dancer tip authorization</p> <p>12:42:42 7 vouchers. There are quite a few of these.</p> <p>12:42:46 8 There's a number -- McKnight document</p> <p>12:42:52 9 number 60 to McKnight document number 116. So</p> <p>12:42:58 10 I've got 56 examples of tab sheets and signed</p> <p>12:43:00 11 dance authorizations.</p> <p>12:43:02 12 Are these just documents that you</p> <p>12:43:04 13 happened to keep in your possession --</p> <p>12:43:05 14 A Yes.</p> <p>12:43:06 15 Q -- during your employment with</p> <p>12:43:06 16 Treasures?</p> <p>12:43:08 17 A Yes. Those are documents -- I</p> <p>12:43:10 18 produced everything I had in my possession that</p> <p>12:43:12 19 was important to this case.</p> <p>12:43:16 20 Q Okay. Now, do you recall anything</p> <p>12:43:21 21 about these tab sheets and dance vouchers,</p> <p>12:43:26 22 anything about them specifically that I should</p> <p>12:43:29 23 know about with regard to their particular</p> <p>12:43:32 24 relevance to this case?</p> <p>12:43:35 25 A The \$5 charge per dance on those</p>	<p>12:44:52 1 should know about them?</p> <p>12:44:54 2 A Basically to the best of my knowledge,</p> <p>12:44:57 3 the tabs that were produced were produced for</p> <p>12:44:58 4 the reason of showing on there where the</p> <p>12:45:02 5 bartender at the end of my shift when I was</p> <p>12:45:06 6 being paid out my money, the 5 percent deduction</p> <p>12:45:09 7 that was taken from each tab, each tip.</p> <p>12:45:11 8 Q The 5 percent that was taken to pay</p> <p>12:45:14 9 the credit card tip -- or the -- the 5 percent</p> <p>12:45:18 10 that the house charged you for your credit card</p> <p>12:45:18 11 tips?</p> <p>12:45:18 12 A Correct.</p> <p>12:45:38 13 Q Did you report your cash tips to the</p> <p>12:45:38 14 club?</p> <p>12:45:42 15 A To the club? No. The majority of</p> <p>12:45:47 16 tips that I would make there were credit card.</p> <p>12:45:50 17 Q I see here in 2006 you made</p> <p>12:45:54 18 approximately \$15,000 in wages and credit card</p> <p>12:45:58 19 tips; 2007 approximately \$60,000 in wages and</p> <p>12:46:02 20 credit card tips; in 2008, approximately \$65,000</p> <p>12:46:06 21 in wages and credit card tips.</p> <p>12:46:07 22 Does that sound about right to you?</p> <p>12:46:08 23 A Uh-huh.</p> <p>12:46:14 24 Q Now, if you were working 40 to 50</p> <p>12:46:17 25 hours per week and you were making between 50</p>

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<p>12:46:19 1 and \$60,000 per year, that's clearly more than 12:46:21 2 minimum wage, isn't it? 12:46:23 3 A I don't have a calculator in front of 12:46:28 4 me to do that math. I cannot be specific on 12:46:29 5 that amount. 12:46:42 6 Q Finally, towards the end of your 12:46:44 7 production documents there's something here that 12:46:51 8 looks like a table tent, some handwriting on 12:46:54 9 it -- a table tent with some handwriting? 12:46:54 10 A Yes. 12:46:57 11 Q And one of the things it says is tip, 12:47:02 12 169.50. Then it's got some other numbers. 12:47:03 13 Is this the document you were talking 12:47:06 14 about earlier when you said table tent? 12:47:07 15 A Correct. That is the document that I 12:47:11 16 was speaking of earlier that I said I wrote down 12:47:14 17 at one particular instance when there was a 12:47:19 18 spreadsheet going around of disputed tabs. I 12:47:23 19 quickly looked at it, jotted down my information 12:47:25 20 as much as I could, grabbed that table tent from 12:47:27 21 my tray, and jotted it down. 12:47:29 22 Q Okay. And there's a -- and then 12:47:31 23 there's a document right after that that just 12:47:34 24 looks like a blank page with your handwriting on 12:47:37 25 it. But your handwriting is kind of in the same</p>	<p>12:48:43 1 Q When you said that there was a 12:48:45 2 spreadsheet for the disputed tabs, who would 12:48:49 3 pass that around? 12:48:53 4 A It was actually retrieved from the 12:48:58 5 cash cage where Morris is stationed every 12:49:04 6 evening. It's not something that was actually 12:49:06 7 supposed to be spread around. Somehow it 12:49:10 8 managed to get out, and I was witness to it and 12:49:13 9 recorded that information. As I -- as I 12:49:13 10 stated -- 12:49:14 11 Q Do you know who created the 12:49:16 12 spreadsheet? 12:49:17 13 A I don't know. I cannot specifically 12:49:21 14 say who created it. But it was a spreadsheet 12:49:30 15 with various, you know, tab disputes. As is 12:49:32 16 evident, you can, I think, on the table tent 12:49:34 17 somewhere, you know, there were -- it was 12:49:35 18 hundreds of them. 12:49:38 19 I might have written down -- I can't 12:49:41 20 remember -- 124, 148. That was the line it was 12:49:43 21 on because the spreadsheet was numerous and very 12:49:46 22 thick. I was trying to keep track of where I 12:49:47 23 was on it when I was writing down this 12:49:48 24 information. 12:49:51 25 Q Okay. But my question is simply: Do</p>
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<p>12:47:40 1 area as the area of the credit -- of the table 12:47:41 2 tent. 12:47:42 3 Is that the back of the table tent? 12:47:44 4 A Probably, yes. Correct. Because the 12:47:46 5 back of the table tent, if you unfold it, it was 12:47:50 6 completely blank. 12:47:54 7 Q Okay. We're just about to wrap up. 12:47:57 8 Is there anything in regards to your 12:48:00 9 lawsuit and the claims you're making against 12:48:06 10 Treasures that we haven't talked about today, to 12:48:09 11 the best of your knowledge? 12:48:10 12 A I think we've covered it, to the best 12:48:12 13 of my knowledge at this moment. 12:48:15 14 Q Okay. All right. Well, thank you 12:48:19 15 very much for your cooperation. It's a little 12:48:21 16 awkward doing these over the telephone. And I 12:48:24 17 really appreciate your patience, and I 12:48:26 18 appreciate your friendly demeanor. 12:48:27 19 I'm going to go ahead and pass the 12:48:32 20 witness to Mr. Shellist. 12:48:33 21 EXAMINATION 12:48:35 22 Q BY MR. SHELLIST: Margo, this is Marty 12:48:38 23 Shellist. I just have a couple of quick 12:48:39 24 questions for you. Okay? 12:48:39 25 A Sure.</p>	<p>12:49:52 1 you know who wrote it? And your answer was you 12:49:55 2 don't know who created it? 12:49:56 3 A No. To the best of my knowledge, it 12:49:58 4 came from David. 12:50:00 5 Q Okay. That's fine. And it was 12:50:02 6 maintained in Morris's area? 12:50:02 7 A Correct. 12:50:06 8 Q Okay. And in your experience working 12:50:12 9 at Treasures, was the policy for waitresses to 12:50:14 10 pay back chargebacks, did that apply to all 12:50:15 11 waitresses? 12:50:16 12 A Yes. 12:50:18 13 Q Okay. And then when you talked with 12:50:21 14 Mr. Van Huff about the policy of the spillage, 12:50:24 15 whether at one point there were some tickets, 12:50:26 16 limited tickets, and other times there was just 12:50:31 17 you had to pay if you spilled drinks, did that 12:50:33 18 policy apply evenly to all waitresses at 12:50:36 19 Treasures in your experience working there? 12:50:39 20 A In my experience, if it applied to 12:50:42 21 everyone all evenly, I will have to say no. 12:50:44 22 Q What do you mean by that if it applied 12:50:47 23 evenly? 12:50:48 24 A Isn't that what you said? 12:50:49 25 Q No, no, no.</p>

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<p>12:50:52 1 My question is simply this: Were</p> <p>12:50:55 2 there some waitresses who never ever had to pay</p> <p>12:50:57 3 spillage and there were some who did, or if you</p> <p>12:51:00 4 carried a tray of drinks out into the floor and</p> <p>12:51:04 5 spilled them, you had to go back and pay for a</p> <p>12:51:05 6 new round of drinks; is that right?</p> <p>12:51:08 7 A Yes. I specifically did. To the best</p> <p>12:51:12 8 of my knowledge as far as the other ones, I know</p> <p>12:51:14 9 others did. I can't be certain and say some</p> <p>12:51:21 10 did, some didn't. I specifically had to pay any</p> <p>12:51:24 11 spills or accidents of drinks lost out of my</p> <p>12:51:26 12 bank, out of my money that I took out to</p> <p>12:51:28 13 repurchase those drinks, yes.</p> <p>12:51:34 14 Q Okay. And when you talk about walked</p> <p>12:51:40 15 tabs, was the walked tab policy at Treasures --</p> <p>12:51:42 16 in your experience, did that apply to all the</p> <p>12:51:44 17 waitresses?</p> <p>12:51:48 18 A I can't be certain on saying if that</p> <p>12:51:50 19 applied to all of them or not. It applied to</p> <p>12:51:50 20 me.</p> <p>12:51:53 21 Q Well, what I guess I mean, though, I'm</p> <p>12:51:54 22 just saying in your experience did you see it</p> <p>12:51:56 23 occurring to other waitresses?</p> <p>12:51:57 24 A Oh, did I see it occurring to other</p> <p>12:51:58 25 waitresses? Yes.</p>	<p>12:53:25 1 that I heard that from.</p> <p>12:53:29 2 Q Meaning, for example, there's Bill,</p> <p>12:53:33 3 Slim, Joe, these fellows. Would you have heard</p> <p>12:53:36 4 it from each of them at different times or</p> <p>12:53:39 5 not -- and if you didn't, that's fine. I don't</p> <p>12:53:41 6 need an exact date and a month.</p> <p>12:53:42 7 I just wonder when you say management,</p> <p>12:53:45 8 who are you generally talking about?</p> <p>12:53:47 9 A All managers in general, yes, even</p> <p>12:53:50 10 going back to John Tovar, who was the manager in</p> <p>12:53:52 11 charge when I started my employment there at</p> <p>12:53:53 12 Treasures.</p> <p>12:54:01 13 MR. SHELLIST: Okay. I don't have any</p> <p>12:54:03 14 questions of you further today. We'll reserve</p> <p>12:54:08 15 any other questions until the time of trial.</p> <p>12:54:08 16 MR. VAN HUFF: I don't have any</p> <p>12:54:12 17 additional questions either. Thanks again,</p> <p>12:54:13 18 Ms. Moreno.</p> <p>12:54:16 19 THE WITNESS: You're welcome.</p> <p>12:55:11 20 (The deposition concluded at</p> <p>12:55:11 21 12:54 p.m.)</p> <p>12:55:11 22</p> <p>12:55:11 23</p> <p>12:55:11 24</p> <p>12:55:11 25</p> <p style="text-align: right;">MARGO MORENO</p>
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<p>12:52:02 1 Q That's what I'm saying is, in your</p> <p>12:52:04 2 experience working at Treasures, did you see</p> <p>12:52:08 3 other waitresses paying for spilled drinks?</p> <p>12:52:10 4 A Okay. Yes. I'm sorry. I guess I was</p> <p>12:52:13 5 misunderstanding your question. Yes, I did.</p> <p>12:52:14 6 Yes, I did witness that.</p> <p>12:52:23 7 Q Okay. Then finally, did you -- this</p> <p>12:52:28 8 \$5 that the house got off of each of the credit</p> <p>12:52:35 9 card dances, do you know what that \$5 was for?</p> <p>12:52:37 10 A I can't be specific as to say what it</p> <p>12:52:41 11 was for -- was for. From hearsay I heard</p> <p>12:52:44 12 throughout my employment time at the club it was</p> <p>12:52:48 13 for a numerous amount of reasons. The main one</p> <p>12:52:53 14 that I always heard over and over was for any</p> <p>12:52:56 15 disputed tabs or to cover any -- to cover any</p> <p>12:53:02 16 money basically. I guess pretty much like for</p> <p>12:53:03 17 any disputed tabs.</p> <p>12:53:07 18 MR. SHELLIST: Object to the hearsay.</p> <p>12:53:08 19 Q BY MR. SHELLIST: And who did you hear</p> <p>12:53:10 20 that from?</p> <p>12:53:15 21 A Waitresses, management, bartenders.</p> <p>12:53:17 22 Q Which management would you have heard</p> <p>12:53:19 23 that from?</p> <p>12:53:21 24 A Which management? I cannot be</p> <p>12:53:24 25 specific as to a certain event or time or person</p>	<p>12:55 1 STATE OF ARIZONA)</p> <p>12:55 2 COUNTY OF MARICOPA)</p> <p>12:55 3 Be it known that the foregoing deposition was</p> <p>12:55 4 taken by me pursuant to stipulation of counsel; that I</p> <p>12:55 5 was then and there a Certified Court Reporter in the</p> <p>12:55 6 State of Arizona, and by virtue thereof authorized to</p> <p>12:55 7 administer an oath; that the witness before testifying</p> <p>12:55 8 was duly sworn by me to testify to the whole truth;</p> <p>12:55 9 pursuant to request, notification was provided that</p> <p>12:55 10 the deposition is available for review and signature;</p> <p>12:55 11 that the questions propounded by counsel and the</p> <p>12:55 12 answers of the witness thereto were taken down by me</p> <p>12:55 13 in shorthand and thereafter transcribed into</p> <p>12:55 14 typewriting under my direction; that the foregoing</p> <p>12:55 15 pages are a full, true, and accurate transcript of all</p> <p>12:55 16 the proceedings had upon the taking of said</p> <p>12:55 17 deposition, all done to the best of my skill and</p> <p>12:55 18 ability.</p> <p>12:55 19 I FURTHER CERTIFY that I am in no way related</p> <p>12:55 20 to nor employed by any parties hereto; nor am I in any</p> <p>12:55 21 way interested in the outcome thereof.</p> <p>12:55 22 Dated at Phoenix, Arizona, this _____ day of</p> <p>12:55 23 _____, 2010.</p> <p>12:55 24</p> <p>12:55 25</p> <p style="text-align: right;">CINDY MAHONEY, RMR, No. 50680</p>

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